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FM AMCONSUL PESHAWAR
TO RUEHC/SECSTATE WASHDC IMMEDIATE 7881
INFO RUEHIL/AMEMBASSY ISLAMABAD IMMEDIATE 4653
RUEHLH/AMCONSUL LAHORE IMMEDIATE 1791
RUEHKP/AMCONSUL KARACHI IMMEDIATE 1798
RUEHBUL/AMEMBASSY KABUL IMMEDIATE 1433
RUEHNE/AMEMBASSY NEW DELHI IMMEDIATE 1067
RUEHBY/AMEMBASSY CANBERRA IMMEDIATE 0663
RUEHNO/USMISSION USNATO IMMEDIATE 0662
RUEHTC/AMEMBASSY THE HAGUE IMMEDIATE 0711
RUEHLO/AMEMBASSY LONDON IMMEDIATE 0829
RUEHOT/AMEMBASSY OTTAWA IMMEDIATE 0756
RUEAIIA/CIA WASHDC
RHEHAAA/NSC WASHINGTON DC
RHMFISS/FBI WASHINGTON DC
RUEKJCS/SECDEF WASHINGTON DC
RHMFISS/JOINT STAFF WASHINGTON DC
RHMFISS/CDR USCENTCOM MACDILL AFB FL
RHMFISS/CDR USSOCOM MACDILL AFB FL
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SIPDIS

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TAGS: [PTER](#) [MOPS](#) [PGOV](#) [PK](#)

SUBJECT: SEVEN QAZI (SHARIA) JUDGES INSTALLED IN SWAT

REF: A) PESHAWAR 47 B) ISLAMABAD 501

CLASSIFIED BY: Lynne Tracy, Principal Officer, Peshawar,
Department of State.

REASON: 1.4 (a), (b), (d)

Summary

11. (C) In the latest step towards implementing shari'a in Swat the first seven Qazis (judges) were installed in their new offices on March 12. The Qazis arrived in a procession led by Tehrik Nifaz-i-Shariat Mohammadi (TNSM) chief, Sufi Mohammad, Malakand division commissioner, Mohammad Javed and militant commander Mehmood Khan. Each of the seven were originally appointed in 1994 and remained among the existing cadre of judges.

12. (C) The installation of the seven Qazis appears to be a good faith gesture by the government to help meet the TNSM's March 16 deadline to implement Shari'a. President Zardari has told the Ambassador that he will not sign the Nizam-e-Adl (literally, "system of justice" but widely viewed as Shari'a) Regulation. However, he may allow defacto piecemeal implementation of shari'a to keep the Awami National Party (ANP) happy since we understand that he has promised the provincial government that he will ultimately approve the legislation. When the Qazis will be able to begin to hear cases may depend more on the presence of the police and court administrative personnel than anything else. End Summary.

Qazi Judges Installed

13. (C) In the latest step towards implementing shari'a in Swat the first seven Qazis (judges) were installed in their new offices on March 12. The judges arrived in a procession led by TNSM chief, Sufi Mohammad, Malakand division commissioner, Mohammad Javed and militant commander Mehmood Khan. The Qazis were expected to be the first of scores of new judges appointed in fulfillment of the Nizam-e-Adl (Shari'a) Regulation, 2009 once it is signed into law by President Zardari (Ref. A).

Where Did The New Judges Come From?

¶4. (C) Each of the seven newly installed Qazis were originally appointed in 1994 and remained among the existing cadre of judges operating under the Nizam-e-Adl regulation of 1999 and Code of Criminal Procedure (amendment) Ordinance 2001 promulgated by General Pervez Musharraf. Their previous performance had been limited due to the unrest and presence of the militants in Swat. (Note: An explanation of the Nazam-e-Adl 2009 sent Septel. End note.)

When Will The New Courts Begin To Operate?

¶5. (C) The seven Qazis are physically present to decide cases; however President Zadari's has yet to sign the new regulation into law since it was reportedly forwarded by Northwest Frontier Province NWFP governor Owais Ghani. The police and administrative staff to conduct and enforce decisions from the Qazis have not yet arrived and will be needed before the courts are able to function.

Comment

¶6. (C) The installation of the seven Qazis appears to be a good faith gesture by the government to help meet the TNSM's March 16 deadline to implement Shari'a (Ref. B). We may see defacto piecemeal implementation of shari'a as Zardari attempts to keep as many promises as possible on Swat while technically not breaking his word to anyone. When the Qazis will be able to begin to hear cases may depend more on the presence of police and court administrative personnel than anything else.

TRACY